



DEPARTMENT OF VETERANS AFFAIRS

Medical Center
3801 Miranda Avenue
Palo Alto CA 94304

640/11C

In Reply Refer To: 568-68-7363

November 13, 1995

Mr. Richard Olacio Gayton
675 Whipple Road
Union City, CA 94587

Dear Mr. Gayton:

We sincerely appreciate your participation in the Department of Veterans Affairs (VA) Agent Orange Registry. This effort should prove to be helpful in assisting us to better serve you and other veterans who are concerned about the possible health problems which may have resulted from service in the republic of Vietnam during the Vietnam Conflict.

During your initial evaluation you complained of having skin problems, experiencing lightheadedness and having a severe degree of stress. Based on your complaints you were referred to and evaluated by specialty clinics. The evaluation from the Mental Hygiene Clinic confirmed that you have the condition known as Post-Traumatic Stress Disorder, mixed with depression. You have shown good understanding regarding the essence of Post-Traumatic Stress Disorder condition. Your skin condition is compatible with fungal infection of the skin. From the laboratory tests it was noted that some of your liver function tests are abnormal. Additional laboratory tests demonstrated that you have not had hepatitis infection in the past. As it was discussed, this may be the result of some alcohol use in the past and this should be followed on your regular ambulatory care clinic visits. Your electrocardiogram also showed some changes that are compatible with a possible small heart attack that you have had in the past. The remainder of your laboratory tests are within normal limits. Your chest x-ray was also within normal limits. You are instructed to keep all of your ambulatory care clinic appointments as scheduled.

The results of your examination will be maintained by VA and will be available for future use as needed. If you have any questions or concerns about your Agent Orange Registry examination, please contact the Agent Orange Coordinator at (415) 493-5000, extension 6260, for assistance.

Problems that may have been identified during this examination are not necessarily related to possible Agent Orange exposure. However, there is considerable research underway to learn more about long-term health affects of Agent Orange exposure. Currently, the following conditions have been recognized as service-connected for veterans who served in Vietnam: chloracne, non-Hodgkin's lymphoma, soft-tissue sarcoma, Hodgkin's disease and

Page2

porphyria cutanea tarda. Of course, other conditions may be recognized in the future.

Please remember that this examination does not automatically initiate a claim for VA benefits. Compensation claims need not be filed specifically for injury or illness incurred in combat; the law requires only that a disease or disability was incurred or aggravated during military service. If you wish to file a claim for compensation to establish possible service connection, please contact your nearest VA Regional Office. In your area, the Regional Office is located at the Oakland Federal Building, 1301 Clay Street, Room 1300 North, Oakland, CA 94512-5209. If you need any further assistance, you may contact a Veterans Benefits Counselor by calling the VA toll-free telephone number 1-800-827-1000.

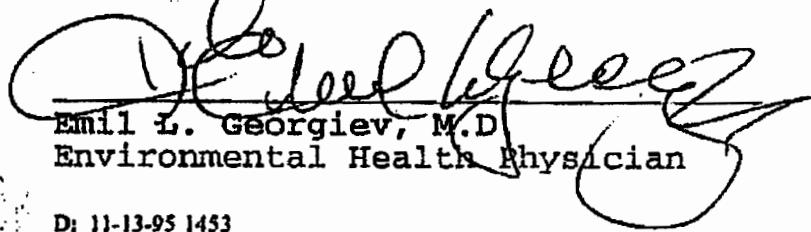
If you are subsequently diagnosed by a non-VA physician, you are encouraged to provide VA with any additional diagnoses which will be included in your medical record as well as the Agent Orange Registry.

An outreach program has been implemented by which VA notifies all individuals listed in the Agent Orange Registry of significant VA activities, including the health consequences of military service in Vietnam theater of operations during the Vietnam Conflict. Since you are now included in our Agent Orange Registry, you will be receiving an "Agent Orange Review" published periodically by VA's Environmental Agents Service. If you have a change of address, please contact the Agent Orange Coordinator at this facility.

We trust this information is helpful to you.

Once again, your participation in the Agent Orange Registry is appreciated.

Sincerely,


Emil L. Georgiev, M.D.
Environmental Health Physician

D: 11-13-95 1453
T: 11-13-95 1731
EG/LT131113.010/MEDI-TRANS/6653/vml:

Blank

August 27, 2002

Richard O. Gaytan
Compliance Officer

Georgia Martin
Assistant District Director

Dear Georgia;

I was hired as a veteran with 30% or more, which is a service connected disability. I have been diagnose as having Post -Traumatic Stress Disorder hereafter PTSD. I am requesting accommodations under Section 503 of the Rehabilitation Act of 1973. As you know it affects my every day life activities as to mood disturbance, sleep disturbance nightmares, poor concentration/memory, low energy/motivation/interest level.

I still believe that I am in a stressful management environment under your supervision, such as not being given the opportunity to work or as questions or get training from my fellow co-workers in my module, i.e. EEO survey with Jessie Alvarez, refuse to go over my case file when you stated that you had to complete a report which was due and it would take you at lease one to two hours to complete. When I went to get my case file out of drawer twenty minutes later, I saw you were talking and laughing with Kathy Ann Batiste after you told me that you didn't have time for me.

To help me relieve this stressful feeling, I am again requesting that I be reassign to Module 1 as a form of accommodation.

To understand PTSD, I including a booklet that explains PTSD, which is A service of the Office of Disability Employment Policy of the U.S. Department of Labor.

One of the suggestions is allowing employee to work from home part-time, we know as flexi place. At this time I am requesting to work at home on Friday August 29, 2003 to work on my EEO Complaint case that I filed.

Please respond by tomorrow before 3:00pm.

Sincerely,

Richard O. Gaytan

Attach: 1) Letter from Rukhsana A. Khan, M.D.
2) Job Accommodations Network Booklet



DEPARTMENT OF VETERANS AFFAIRS

Palo Alto Health Care System
3801 Miranda Avenue
Palo Alto CA 94304

In Reply Refer To:

April 24, 2003

To whom it may concern

Re: Richard O. Gaytan
SS#: 568-68-7363

This is to inform that Mr. R. Gaytan is receiving care at the Mental Health Clinic of Livermore Division of Palo Alto veterans Affairs Health Care System. He carries a diagnosis of Post Traumatic Stress Disorder secondary to exposure to combat.

Mr. Gaytan reports an increase in the symptoms of Post Traumatic Stress Disorder in spite of the treatment. He relates this to cumulating stress in his job environment. He had been fairly stable on his current treatment. At this time, he has mood disturbance, sleep disturbance, nightmares, poor concentration/memory, low energy/motivation/interest level. This is affecting his relationship with family and productivity at home and job. It is very common for a stable psychiatric condition to be exacerbated with stress as perceived by the individual.

Mr. Gaytan being a mentally disabled veteran, will benefit from working in less stressful environment. If the organization can accommodate him under less stressful management, his illness and thus performance/relationships will improve.

Please take this suggestion into consideration.

If you have any questions please write to the above address.

Thank you.

Sincerely,

Rukhsana A. Khan, M.D.
Staff Psychiatrist

To: Dr. Schorr,

5/5/03

From: Richard Gaytan

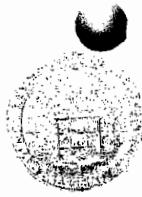
On 5/3/03, I was seen in your office for depression and hostile work environment. I saw a Employees Assistance Program "EAP" counselor that same afternoon at 6:30 pm And she recommended that I take from leave from work at least a month. I spoke to my union steward who advise and that the company can advance me 30 days of sick leave. But I need a doctor documentation for this. I am requesting at this time for extended leave for 30 days from you, I would like this to, take effective tomorrow from 5/6/03 to 6/6/03. I am submitting the union contract that states this.

Can you please FAX me this request back to me today so I can submit my requested. Its hard for me to get back and involve with my work. I will be leaving work today at 4:00pm.

Please call me if you decide not to grant this request.

Thank You,


Richard O. Gaytan



U.S. Department of Labor
Employment Standards Administration
Office of Federal Contract Compliance Programs

RICHARD O. GAYTAN
Compliance Officer

Oakland District Office
Oakland Federal Building
1301 Clay Street, Suite 1080N
Oakland, CA 94612-5217

(510) 637-2938
Fax (510) 637-2946
gaytan@sfc.dol-esa.gov

MICHAEL S. SCHORR, M.D.
Board Certified Family Practice
821 "E" Street
Patterson, CA 95363
Ph: 209-892-1400
Fx: 209-892-7993



DATE: 5/1/03

TO WHOM IT MAY CONCERN:

Richard Gaytan

Has been seen today by Dr Schorr

Has been off work from 4/30/03 to 5/2/03

May return to work without restriction on 5/3/03

On _____, may return to modified work, as follows: _____

Should be excused from work until _____

Should return for treatment on _____

Patient was not seen by physician _____

Patient's description of illness Depression

SIGNED:

Dr Schorr 1/63

TThurs. 2:00pm

May 8, 2003

Richard O. Gaytan
Compliance Officer, GS-9
Oakland District Office

Georgia Martin, ADD
OFCCP Oakland District Office

RE: Request For 30 Days Advance Leave &
Request for Accommodations

Dear Georgia;

At this time I am requesting Advance Sick Leave from 5/6/03 to 6/6/03 according to the union contract Section 4, Page 104 of the NCFLL. Please see Medical documentation attached.

Also at this I am requesting accommodations under Section 503 of the Rehabilitation Act of 1973. Upon my return from medical leave I am requesting a transfer from Module 1 to Module 2, please see Medical documentation attached. I am also requesting that I be assigned to a mentor so I can be better qualified to be promoted to my next higher promotion.


Richard O. Gaytan, CO.



May 9, 2003

MEMORANDUM FOR:

RICHARD GAYTAN
Compliance Officer

FROM:

Georgia Martin
GEORGIA MARTIN
Assistant District Director

THROUGH:

WILLIAM D. SMITHERMAN
Acting District Director

SUBJECT:

Request For Accommodation

This responds to the letter dated April 24, 2003, from Staff Psychiatrist, Dr. Rukhsana A. Khan, regarding your treatment at the Veterans' Mental Health Clinic in Livermore. It also addresses your verbal request to me on April 28, 2003 to be transferred to Module 1 as a form of accommodation.

I have carefully considered your request. However, at this time your request for a transfer is being denied.

Please let me know if you wish to discuss this further or have questions regarding this matter.

U.S. Department of Labor

May 15, 2003

Employment Standards Administration
 Office of Federal Contract
 Compliance Programs
 71 Stevenson Street, Suite 1700
 San Francisco, CA 94105



Memorandum For: Richard Gaytan
 Compliance Officer

Woody Gilliland

From: Woody Gilliland
 Regional Director, OFCCP

Subject: Request for Advanced Sick Leave

Your request for advanced sick leave, dated May 8, 2003, was appropriately forwarded to me for review and response. Your request includes a medical statement signed by Michael Schorr, M.D., in which he provided diagnosis under "patient's description of illness". This form of medical statement does not meet the acceptable level of medical documentation needed to make a decision about advanced leave. Department of Labor regulations require that for medical documentation to be acceptable "the diagnosis or clinical impression must be justified according to established diagnostic criteria and the conclusions and recommendations must not be inconsistent with generally accepted professional standards." Therefore, I am not making a decision at this time to either approve or disapprove your advance leave request. Instead, you will have until May 23rd to provide acceptable medical documentation, and then a decision will be made about your leave request.

Acceptable medical diagnosis must include the following information:

- a. The history of the medical condition, including references to findings from previous examinations, treatment, and responses to treatment;
- b. Clinical findings from the most recent medical evaluation, including any of the following which have been obtained: Findings of physical examination; results of laboratory tests; X-rays; EKG's and other special evaluations or diagnostic procedures; and, in the case of psychiatric evaluation or psychiatric assessment, the findings of mental status examination and the results of psychological tests, if appropriate;
- c. Diagnosis, including the current clinical status;
- d. Prognosis, including plans for future treatment and an estimate of the expected date of full or partial recovery;
- e. An explanation of the impact of the medical condition on overall health and activities, including the basis for any conclusion that restrictions or accommodations are or are not warranted, and where they are warranted, an explanation of their therapeutic or risk avoiding value;

- f. An explanation of the medical basis for any conclusion which indicates the likelihood that the individual is or is not expected to suffer sudden or subtle incapacitation by carrying out, with or without accommodation, the tasks or duties of a Compliance Officer in the Department of Labor.

You will not be penalized for not providing acceptable documentation on May 8, 2003. However, adjustments will be made to your timesheet(s), as necessary, after your medical documentation is provided, and a decision is made about advanced leave. Again, please provide the acceptable medical documentation no later than May 23, 2003.



Palo Alto Health Care System
3801 Miranda Avenue
Palo Alto CA 94304

May 27, 2003

In Reply Refer To:

To whom it may concern

Re:Richard O. Gaytan
SS#: 568-68-7363

This is to inform that Mr. R. Gaytan is receiving care at the Mental Health Clinic of Livermore Division of Palo Alto veterans Affairs Health Care System since 1997. He has been seen at MHC since 1998. He had an evaluation by me on 10/7/98. He was out of the clinic for a period of two years from 8/00 to 10/02. He has been under my care since 10/02.

He carries a diagnosis of Post Traumatic Stress Disorder (PTSD) based on his combat experience in Vietnam and the psychological consequences of that stress. He has been declared service connected by Veteran's Administration for PTSD. The cluster of symptoms, frequency and intensity has depended on his stressors. His current stressor is the environment at his job.

Mental status examination reveals mood dyscontrol with sadness to anger/irritability. He has disturbance of sleep, appetite, energy, motivation and interest functions. His speech is influenced by the anxiousness and anger. There is no thought disorder. He is not suicidal or homicidal. Memory /concentration appears to be stable though a formal assessment was not done. He reports vague auditory hallucinations. Insight and judgment is fair.

His current diagnosis is Adjustment disorder with mixed emotions and Post Traumatic Stress Disorder, chronic.

His prognosis for PTSD is guarded due to the recurrent nature of the illness and its dependency on perceived stress. So the treatment includes removal of stressor along with using more coping skills and medications. The plan is to continue medication and supportive counseling. He has not participated in Group therapy due to his job schedule.

Mr. Gaytan is requesting a month of advance sick leave to recover from some of the symptoms and consider participating more in his treatment. I would recommend it so he can learn better coping skills and return to work by 7/1/03.

I hope this information is adequate to make the assessment about this leave request. If you need additional information please obtain his medical records with his consent.

If you have any questions please write to the above address.

Thank you.

Sincerely,

Rukhsana A. Khan, M.D.
Staff Psychiatrist

Martin, Georgia L - ESA

From: Gilliland, W W - ESA
Sent: Wednesday, June 04, 2003 10:28 AM
To: Martin, Georgia L - ESA
Cc: Smitherman, William D - ESA; Hartman, Robin M - ESA
Subject: Richard Gaytan -- Advanced Leave

Based on the medical documentation I received on June 3, 2003, I am approving the 30 days advanced sick leave Richard requested, beginning May 5. This is the maximum advanced sick leave that can be advanced, so that either annual leave or leave without pay will have to be requested by the employee from this point forward.

To: Bill Smitherman, ADD
From: Richard Gaytan, CO
Re: Verizon Wireless
GRIG R00101691

October 8, 2003

Bill;

I am trying to close Verizon Wireless, I turned into Georgia on 9/30, and she return it back on 10/01 for correction, I made the corrections. Can you please review for closure.

Thank You

Richard;

10/08/03

Richard

Please submit to Georgia
She will be in the office
Tuesday, October 14

Thank you

Gaytan, Richard O - ESA

From: Martin, Georgia L - ESA
Sent: Wednesday, September 10, 2003 9:38 AM
To: Gaytan, Richard O - ESA
Cc: Smitherman, William D - ESA
Subject: RE: Re: Flexi-place

We still need to talk about what you will accomplish. We have to be within the guidelines of the flexiplace agreement which means that the work completed during flexiplace will foster the mission of the agency. Flexiplace is working at an alternate site (such as home) to work on cases or special assignments that have been discussed with the supervisor. Going to EDD is not working at home. It's doing community service contacts. Contacts with EDD offices were discussed during the staff meeting on Monday and we will be doing more of that. However, discussion with the supervisor should take place before such contacts are arranged.

-----Original Message-----

From: Gaytan, Richard O - ESA
Sent: Wednesday, September 10, 2003 9:19 AM
To: Martin, Georgia L - ESA
Subject: RE: Re: Flexi-place

I will also be going to Tracy EDD Office for Info which is about 45 miles from were I live.

-----Original Message-----

From: Martin, Georgia L - ESA
Sent: Wednesday, September 10, 2003 9:01 AM
To: Gaytan, Richard O - ESA
Subject: RE: Re: Flexi-place

Please come in and we can talk about it. I believe you will need to take leave to attend events outside the working area. But I will check.

-----Original Message-----

From: Gaytan, Richard O - ESA
Sent: Wednesday, September 10, 2003 8:44 AM
To: Martin, Georgia L - ESA
Subject: Re: Flexi-place

Goodmorning Georgia;

I would like to request Flexi-place for Sept. 11, 2003, so I may attend my locate area for "Memorial Services" and I will also be working on my EEO complaint Case. Please let me know by today.

Thank You

Gaytan, Richard O - ESA

From: Martin, Georgia L - ESA
Sent: Friday, September 26, 2003 11:23 AM
To: Gaytan, Richard O - ESA
Cc: Smitherman, William D - ESA
Subject: RE: Re: Sataus on Request for Accommandation

Richard

Your request to be transferred to Module 1 can only be authorized by upper management as was discussed with you before. So I will suggest that you direct your request to the Acting District Director. I will, however, address the other issues you referenced in your August 27, 2003. First, I appreciate the additional reference material on PTSD. I have most of the information on this subject in my files and appreciated refreshing my memory on the issue.

In reference to my discussing your cases with you, I have treated you no differently than others in my Module. Every CO in my Module comes in and discuss their cases with me in person and in 90% of the time come in without my asking them. However, you only sends me e-mails with false accusation that I don't have time for you or that I am talking with Kathyann. Kathyann reports to me just as you do and as you know, she has a systemic discrimination case that she is working on. In fact, you have asked for copies of her analysis on this case. Therefore I am puzzled by your accusation. As I told you on September 19, 2003, while we were discussing your cases, (Kleinfelder, URS and Verizon) you don't have to wait until I ask you to come into my office to discuss your case work. You should come in on your own since you stated in you August 27, 2003 memo that you needed training.

Regarding the issue of training and the allegation that I have not given you the opportunity to work or ask questions of your co-workers (i.e. Jesse Alvarez on the EO Survey cases), if you recall during the Modules' meetings held individually with the Acting District Director on April 17, 2003, he stated that both you and EK Wade should be getting guidance from their supervisor only. When this statement was made, the Acting DD didn't mention that you had questions or concerns with that directive. Please refer to your notes of that meeting for clarification on that issue. If you have additional questions on this or any other matter, please come in and we can discuss them in person. Thx.

-----Original Message-----

From: Gaytan, Richard O - ESA
Sent: Friday, September 26, 2003 9:52 AM
To: Martin, Georgia L - ESA
Subject: Re: Sataus on Request for Accommandation

Georgia:

On Aug. 27, 2003, I submitted a request for accommodation. I would like to know what is the status on my request.

Richard

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Gaytan, Richard O - ESA

From: Gaytan, Richard O - ESA
Sent: Friday, September 26, 2003 2:24 PM
To: Smitherman, William D - ESA
Subject: FW: Re: Sataus on Request for Accommodation

Bill please read the attachment. I know what I heard and was told to me by Georgia that it will take her 2 to 3 hours to complete her report which was due, that's why she didn't want to meet with me that morning!

Since Georgia was not in that morning, so I ask Jessie to go over my eo survey before I handed to Georgia, while we were discussing the case Georgia rudely interrupted us, I tried to explain to her since she was not there that morning, I wanted to make sure that I wasn't missing anything before I presented the eo survey to her.

As we agree to while in the presents of Cindy, Union Steward, sometimes if I had questions I can email you.

Bill this is way I requested to be accommodated. This was not a false accusation!

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DEPARTMENT OF THE VETERANS AFFAIRS
PALO ALTO HEALTH CARE SYSTEM
3801 MIRANDA AVENUE
PALO ALTO, CA 94304

In Reply Refer To:

10/3/03

To whom it may concern;

I am writing in regards to Mr. Richard Gaytan, a patient of mine at the Livermore VA.

He has been advised by me to have frequent small meals in order to avoid low blood sugars. Please accommodate this request at his workplace.

If there are questions regarding this, Please contact our clinic.

Connie Teresi M.D.

Gaytan, Richard O - ESA

From: Gaytan, Richard O - ESA
Sent: Friday, November 07, 2003 9:54 AM
To: Smitherman, William D - ESA
Subject: RE: Re: Status on Request for Accommodation

Gooodmorning Bill;
I spoke to George about my request for accommodation and she said it's up to upper management?

-----Original Message-----

From: Smitherman, William D - ESA
Sent: Wednesday, October 08, 2003 2:48 PM
To: Gaytan, Richard O - ESA
Cc: Martin, Georgia L - ESA; Itelson, Roselynn
Subject: RE: Re: Sataus on Request for Accommandation

Richard: This request is in progress. You will hear for me or your manager about it as soon as possible.

-----Original Message-----

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Your request to be transferred to Module 1 can only be authorized by upper management as was discussed with you before. So I will suggest that you direct your request to the Acting District Director. I will, however, address the other issues you referenced in your August 27, 2003. First, I appreciate the additional reference material on PTSD. I have most of the information on this subject in my files and appreciated refreshing my memory on the issue.

In reference to my discussing your cases with you, I have treated you no differently than others in my Module. Every CO in my Module comes in and discuss their cases with me in person and

in 90% of the time come in without my asking them. However, you only sends me e-mails with false accusation that I don't have time for you or that I am talking with Kathyann. Kathyann reports to me just as you do and as you know, she has a systemic discrimination case that she is working on. In fact, you have asked for copies of her analysis on this case. Therefore I am puzzled by your accusation. As I told you on September 19, 2003, while we were discussing your cases, (Kleinfelder, URS and Verizon) you don't have to wait until I ask you to come into my office to discuss your case work. You should come in on your own since you stated in you August 27, 2003 memo that you needed training.

Regarding the issue of training and the allegation that I have not given you the opportunity to work or ask questions of your co-workers (i.e. Jesse Alvarez on the EO Survey cases), if you recall during the Modules' meetings held individually with the Acting District Director on April 17, 2003, he stated that both you and EK Wade should be getting guidance from their supervisor only. When this statement was made, the Acting DD didn't mention that you had questions or concerns with that directive. Please refer to your notes of that meeting for clarification on that issue. If you have additional questions on this or any other matter, please come in and we can discuss them in person. Thx.

-----Original Message-----

From: Gaytan, Richard O - ESA
Sent: Friday, September 26, 2003 9:52 AM
To: Martin, Georgia L - ESA
Subject: Re: Sataus on Request for Accomadation

Georgia:

On Aug. 27, 2003, I submitted a request for accommodation. I would like to know what is the status on my request.

Richard

Gaytan, Richard O - ESA

From: Smitherman, William D - ESA
Sent: Monday, November 10, 2003 6:21 PM
To: Gaytan, Richard O - ESA
Cc: Martin, Georgia L - ESA; Young, Alice V - ESA
Subject: RE: Re: Status on Request for Accommodation

Richard: I spoke to Georgia about your request and told her to just discuss it with you to get an idea of what it is that you need in the way of an accommodation. It was to be an informal meeting between you and her and in strict confidence. We want to provide what ever accommodation we can, provided certain parameters are not exceeded. I will share this memo with her to expedite your meeting her to discuss your requests. I suggest a meeting for Wednesday, November 12 at a time to be determined by you both. I have also copied Alice on the matter.

-----Original Message-----

From: Gaytan, Richard O - ESA
Sent: Friday, November 07, 2003 9:54 AM
To: Smitherman, William D - ESA
Subject: RE: Re: Status on Request for Accommodation

Gooodmorning Bill;

I spoke to George about my request for accommodation and she said it's up to upper management?

-----Original Message-----

From: Smitherman, William D - ESA
Sent: Wednesday, October 08, 2003 2:48 PM
To: Gaytan, Richard O - ESA
Cc: Martin, Georgia L - ESA; Itelson, Roselynn
Subject: RE: Re: Sataus on Request for Accommandation

Richard: This request is in progress. You will hear for me or your manager about it as soon as possible.

-----Original Message-----

From: Gaytan, Richard O - ESA
Sent: Friday, September 26, 2003 2:24 PM
To: Smitherman, William D - ESA
Subject: FW: Re: Sataus on Request for Accommandation

Bill please read the attachment. I know what I heard and was told to me by Georgia that it will take her 2 to 3 hours to complete her report which was due, that's why she didn't want to meet with me that morning!

Since Georgia was not in that morning, so I ask Jessie to go over my eo survey before I handed to Georgia, while we were discussing the case Georgia rudely interrupted us, I tried to explain to her since she was not there that morning, I wanted to make sure that I wasn't missing anything before I presented the eo survey to her.

As we agree to while in the presents of Cindy, Union Steward, sometimes if I had questions I can email you.

Bill this is way I requested to be accommodated. This was not a false accusation!

-----Original Message-----